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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/591,371
Filing Date	09/01/2006
First Named Inventor	RUSSWURM
Art Unit	1623
Examiner Name	Unassigned
Attorney Docket Number	3535-022

ENCLOSURES (Check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form
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<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Form PTO/SB/08B; copies of cited references; return postcard. |
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt / Customer No. 30448		
Signature	<i>Nicholas J. Landau</i>		
Printed name	Nicholas J. Landau		
Date	3-05-07	Reg. No.	57,120

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Nicholas J. Landau</i>		
Typed or printed name	Nicholas J. Landau	Date	3-05-07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of RUSSWURM, *et al.*

Confirmation No. 7019

Application No. 10/591,371

Examiner: Unassigned

Filed: September 1, 2006

Group Art Unit: 1623

Attorney Docket No. 3535-022

For: METHOD FOR THE IDENTIFICATION OF SEPSIS

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, Alexandria, VA 22313-1450 on 3/05/2007.

Nicholas J. Landau Reg. No. 57,120
Nicholas J. Landau, Ph.D.

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent Office of the documents which are listed on the attached form PTO/SB/08B.

Applicants submit that the present invention is patentable over the cited references and submission of the listed documents is not intended as an admission that such documents constitute prior art against the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove the listed documents as competent references against the present application.

The references were cited in the International Search Report (copy enclosed) of the related International Application No. PCT/EP2006/060780. International Application No. PCT/EP2006/060780 is concerned with a similar technology as is the instant application. Both applications are concerned with genetic assays to analyze bacterial infections. The references were cited in the International Search Report were cited as category X "of particular relevance" relating to claims 1-7 in the PCT application. This PCT application and the present application relate as they deal with similar technology. An English translation of the International Search Report is not available.

Applicants respectfully request that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of form PTO/SB/08B be returned in accordance with MPEP §609.

Certification

This Statement is being filed prior to the issuance of the first Office Action for the present application, and this paper is thus submitted in accordance with 37 C.F.R. 1.97(b).

In view of the above certification, a fee is not required for consideration of this document. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Dated: 3/05/2007

Nicholas J. Landau
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Docket No. 3535-022

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	10/591,371
		Filing Date	09/01/2006
		First Named Inventor	RUSSWURM
		Art Unit	1623
		Examiner Name	Unassigned
Sheet 1	of 1	Attorney Docket Number	3535-022

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Database EMBL, "Homosapiens cDNA clone", January 13, 1996 (XP-002412098).	
		Database EMBL, "Homosapiens cDNA clone", January 13, 1996 (XP-002412099).	
		Database EMBL, "Homosapiens cDNA clone", January 13, 1996 (XP-002412100).	
		Database EMBL, "Homosapiens cDNA clone", July 4, 1999 (XP-002412101).	
		Database EMBL, "Human anti-hepatitis A immunoglobulin lamda chain" March 10, 1992 (XP-002412102).	
		Database EMBL, "Homosapiens cDNA clone", March 25, 1999 (XP-002412103).	
		Database EMBL, "Homosapiens cDNA clone", January 19, 1996 (XP-002412104).	
		Database EMBL, "Homosapiens cDNA clone", April 14, 1998 (XP-002412105).	
		Database EMBL, "Homosapiens cDNA clone", February 17, 1996 (XP-002412106).	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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